

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Rodger W. EICH et al.  
Title: RECONFIGURABLE USER INTERFACE  
Appl. No.: 10/579,483  
International Filing Date: 11/18/2004  
371(c) Date: 5/16/06  
Examiner: Ketema, Benyam  
Art Unit: 2629  
Confirmation Number: 1620

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR  
PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants have calculated PTA for the captioned patent application and have determined that the patent is entitled to 821 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 943 days

(b) Total Applicant delay: 122 days

Final PTA Determination under 37 CFR §1.703(f): 821 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates and circumstances where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

In accordance with §1.705(b)(2)(iv)(A), the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704 are clearly represented in the attached PTA Calculation.

The Patent Office calculation of PTA currently charges the Applicant for 98 days (the period from September 27, 2010 to January 3, 2011). Applicants filed an Amendment on September 27, 2010, and a Notice of Non-Compliant Amendment was issued on December 3, 2010. A subsequent submission was filed by Applicants on January 3, 2011. However, the Notice of Non-Compliance of December 3, 2010 was eventually determined to have been issued in error, and subsequently withdrawn in the Notice of Allowability dated March 14, 2011.

Applicants respectfully submit that this 98 day period is charged to Applicants in error as the Notice of Non-Compliance was erroneous and eventually withdrawn, the original submission on September 27, 2010 did not contain any omissions, and therefore no reduction of PTA is proper. Applicants also respectfully submit that the Patent Office is to be charged 46 days of PTA, representing the time between January 27, 2011 (4 months after the submission of the original, compliant amendment) and March 14, 2011 (mailing date of the Notice of Allowance and Fees Due/Notice of Allowability.)

Applicants therefore respectfully request that the patent be accorded 821 days PTA.

Fees in the amount of \$200.00 set forth in 37 C.F.R. § 1.18(e) to cover the fee for this request are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

Date August 31, 2011

By 

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## Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 026032-5054  
 Application Number: 10/579483  
 Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Priority Date	11/18/2003	-910		
<a href="#">CLOSE WINDOW</a> Edit Delete	ALL CASES SELECT CASE International Filing Date	11/18/2004	-544		
Edit Delete	National Stage Entry (All 371(c) & (f) Requirements Met)	05/16/2006	0		
	PCT National Stage Commencement Date	05/16/2006	0		
	14 month From Application date	07/16/2007	426		
Edit Delete	Non-Final Office Action	02/26/2009	1,017	591	
	3 Year Period Starts	05/16/2009	1,096		
	Non-Final Office Action + 3 months	05/26/2009	1,106		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	08/25/2009	1,197		91
Edit Delete	Final Office Action	12/23/2009	1,317		
Edit Delete	Final Office Action Response Received at PTO	02/23/2010	1,379		
Edit Delete	Advisory Action	03/10/2010	1,394		
	3 Year Period Stopped	03/18/2010	1,402	306	
Edit Delete	Request For Continued Examination (including amendment)	03/19/2010	1,403		
Edit Delete	Non-Final Office Action	05/27/2010	1,472		
	Non-Final Office Action + 3 months	08/27/2010	1,564		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	09/27/2010	1,595		31
	Non-Final Office Action Rsp. Rcv'd at PTO + 4 mo	01/27/2011	1,717		
Edit Delete	Notice of Allowance	03/14/2011	1,763	46	
Edit Delete	Issue Fee Paid	06/13/2011	1,854		
Edit Delete	Patent Grant Date	07/26/2011	1,897		
			Totals:	943	122
			PTA:	821	

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